

# LAWDRAGON

## Sigrid McCawley on Taking Down Jeffrey Epstein



*Photo by Josh Ritchie*

*By Alison Preece*

Sigrid McCawley had just returned from maternity leave in 2014, after giving birth to her fourth child, a daughter. She was trying not to dwell on the vague fears working mothers can have after time away from their careers: Am I still relevant? Where will I jump back in? Will I still be taken seriously?

McCawley spoke with her partner, legendary trial attorney David Boies. He said he had a client that could be a good fit for her, given her past work for abused and neglected children.

The client? Virginia Roberts Giuffre. A victim of Jeffrey Epstein, Giuffre had met the multimillionaire pedophile in 2000 through Ghislaine Maxwell at Mar-a-Lago, where her father worked.

Epstein's connections and wealth had insulated him from serious punishment over so many years, with a prior investigation into his abuses by prosecutors in Florida resulting in a sweetheart plea deal in 2008 that left his victims without justice. By the time Giuffre approached Boies Schiller for representation in late 2014, the statute of limitations on the abuse had long run out.

Seeking justice would be an uphill battle, to put it lightly.

“I had no idea what I was getting myself into,” says McCawley, in an interview earlier this year – six years after she signed on to help Giuffre assess her options. “I certainly didn’t understand the breadth and the depth of the trafficking.”

Few did. No one should.

Child sex trafficking is a bald-faced evil act, and the revelation that a massively wealthy and powerful man had maintained his operation for years, evading retribution, was a collective shock.

McCawley dug into the matter with a trademark ferocity – going way beyond uncovering the extent of the trafficking and abuse. She also had to uproot the entrenched systems of power that had allowed Epstein to operate undetected for so long.

“It was a very different world at the time,” says McCawley reflecting on the battle's early years. At that point Epstein “had not been held accountable in any way.”

She set out to change that. First, she had to dive into the history of abuse perpetrated by Epstein and Maxwell, before getting a shot at altering the future.

The history is hard to hear. Giuffre was just 16 years old when she was approached by Maxwell at Donald Trump’s Mar-a-Lago estate, where she worked as a spa attendant. Maxwell saw she was reading a book about massage therapy and approached her about becoming a personal, traveling masseuse for Epstein – no experience necessary.

They promised to employ her, educate her, and support her. But the massages proved to be just a guise for sexual abuse by Epstein; before long, Giuffre claims she was being forced into sexual acts with others.

Giuffre’s story is now horribly familiar, as Epstein’s crimes and coverups have been extensively documented – in legal filings and the media – following his July 6, 2019, arrest in New York on federal charges for the sex trafficking of minors.

The previous investigation into Epstein began in 2005 after a 14-year-old girl told her parents she had been molested by a man at a mansion in Palm Beach. The Palm Beach State's Attorney convened a grand jury and, under pressure from Palm Beach police, the FBI and federal prosecutors in Florida began to investigate. By 2007, a 53-page federal indictment was drawn up under the supervision of U.S. Attorney Alexander Acosta. Key to the agreement was a provision that victims would not be notified. In addition, the agreement would be kept under seal and all grand jury subpoenas cancelled. In early 2008, Epstein balked at having to register as a sex offender.

In June 2008, he pled guilty on state charges negotiated with federal prosecutors: one count of soliciting prostitution and one count of solicitation with a minor under the age of 18. The disgraced financier was ordered to serve just 18 months in a low-security jail, despite evidence of years of abuse against dozens of girls and young women. He served 13 months in the Palm Beach County Stockade.

“He got off with a slap on the wrist,” says McCawley, noting that someone who had committed such sexual abuse against even one minor could face 20 years in prison. “Instead, he was practically on

house arrest, allowed to travel to his various mansions by his private plane, and given all sorts of privileges that nobody gets.”

Litigation later uncovered details of the back-room deal. “We see the emails that are going back and forth between the prosecutors who are supposed to be protecting the victims, and Epstein's lawyers,” says McCawley. “That’s when you see the government corruption. They should have been protecting the victims, but instead, prosecutors basically started working on behalf of the defense, with emails saying things like ‘How do we keep the victims from not knowing this information?’

“It’s beyond terrible. This is corruption at a high level of government.”

A petition was filed shortly after the plea deal was announced, seeking to force prosecutors to comply with the Crime Victims' Rights Act. The following year, former federal judge and victims’ rights advocate Paul Cassell and Florida-based victims’ attorney Bradley Edwards filed suit on behalf of Does 1 and 2, accusing the government of violating the CVRA by not informing over 30 identified victims about the plea deal with Epstein – nor giving them a chance to oppose the potential settlement, as is their right. In 2011, they filed suit in federal court for violating the women's rights, seeking as well to have Epstein's plea deal thrown out.

Despite his status as a registered sex offender, Epstein's wealth brought him right back to his previous behavior throughout the early part of the last decade. He met with billionaires, presidents, university presidents and professors, while spending substantial time on Little St. James Island, also known as Pedophile Island. Meanwhile, however, his victims were starting to organize and, through amassing legal counsel, understand the scale of the abuse perpetrated against them – and so many others.

On December 30, 2014, Cassell and Edwards filed a motion in the CVRA case seeking to add Does 3 and 4 to the action. In the allegations to support their claims, Doe 3 named Alan Dershowitz and Prince Andrew among her abusers and included factual allegations.

“That's when everything exploded,” McCawley says, with Dershowitz denying the allegations and saying Cassell and Edwards should be disbarred. The lawyers returned fire, filing a defamation suit against the Harvard professor. In return he filed a counterclaim.

At that point, McCawley was representing Giuffre "as a witness" in Dershowitz's defamation case against Cassell and Edwards, for which she was subpoenaed.

“Previously, her complaint had said things like she was lent out to famous politicians, professors and royalty, and it was general without any names,” says McCawley. “In this filing for the first time, she identified by name her abusers.”

Denials from those accused have been rampant, aggressive and persistent. McCawley was brought on “in the middle of that firestorm.” She met with Giuffre in New York right away.

“We were trying to assess what was happening at the time, and then also protect her, but also vindicate what it was that she wanted to do,” says McCawley. “One of the first things Virginia said to me was, ‘I just want the people who have harmed me off the streets. I want these sexual predators off the streets.’ Primarily she was focused on Epstein and Ghislaine Maxwell.”

McCawley was immediately sympathetic and knew there was a major wrong to be righted, but she worried early on about the legal recourse. “There was a statute of limitations, so pretty much every

claim she could possibly bring was barred at that point,” says McCawley. In April, U.S. District Judge Kenneth Marra of Florida denied standing to Giuffre as Doe 3, and ordered the allegations against Dershowitz and Prince Andrew struck from the record.

“I remember saying to her, ‘Virginia, I’m not a criminal lawyer. I need to manage your expectations here. We’ll do everything we can, but we’re living in a space where really at this point in time, it’s really your potential civil claims that we can take a look at, to see if there’s something we can do for you there.’”

Her compassion for the victims fueled her legal strategy, and led her to an innovative tactic for pursuing her client’s claims.

When Maxwell made a public statement calling Giuffre a liar in regards to her abuse claims, McCawley knew she had found their hook. In the fall of 2015, McCawley brought a defamation case against Maxwell in the Southern District of New York, giving her a direct route towards detailing the abuse without being hamstrung by the statute of limitations.

“The law in that space is still evolving,” says McCawley. “In a defamation case there may be room for a denial. But this was somebody who had sexually abused her, calling her a liar. The denial is different in the context of a sexual abuse case. It went into a space where the public would assume Maxwell had information that others didn’t know about. We said that was defamatory and Virginia had a right to defend herself.”

It was a brilliant work-around to an outdated legal restriction. “It was a defamation case, but in order to establish the defamation, you have to get into details surrounding the sexual abuse,” explains McCawley. As the Maxwell case got up and running, McCawley built out her team. “Besides having the benefit of David’s great counsel, I had a small but fantastic all-female team in Florida that included my incredibly talented colleague Meredith Schultz and my superb paralegal Sandra Perkins.”

The details uncovered during the process of discovery in a case like this makes for gut-wrenching work, particularly because of the scope and the duration of the crimes.

“They had been abusing young females for many, many, many years. This is the longest-running sex trafficking scheme in history that I’ve ever come across,” says McCawley.

McCawley had a familiarity with the exploitation and abuse of minors and sexual trafficking through past pro bono work in the area, as well as her involvement in ChildNet, which manages the protection of neglected and abused children in Broward County, Florida. That’s part of the reason Boies thought she would be a good fit for this case.

“It was helpful I had a sympathetic ear, and understanding,” says McCawley, referring to the psychology and behavior of abuse victims. “Some people might not understand how someone like Virginia would have been a runaway and then fallen into the hands of someone like this, like an Epstein, and a Maxwell, that could manipulate them in a way that they did.

“I had exposure to those issues through my charitable work in past years, and was educated in the space, so it was much easier for me to understand what was going on and to have an immediate sympathy for them. I think that helped tremendously, because I didn’t have any of the hangups that I think a newer lawyer who hadn’t been exposed to that kind of work would have had.”

That compassion also kept her going through what seemed like insurmountable legal hurdles – particularly, that outdated statute of limitations on abuse cases. The defamation accusations were a stroke of genius, but that recourse wouldn't always be available, and wouldn't work for all victims even in this case.

“I sat down with David [Boies] at one point, and I was really frustrated in the case,” says McCawley. “I said to him, ‘This is so unfair. There's victim, after victim, after victim, and most of them are now adults,’” meaning it was too late to bring these claims. “First of all, they were terrified of Epstein. He's a threatening, powerful, vindictive creature. None of them were going to come out and say, ‘This person did this to me,’ particularly him.

“I said, ‘David, this is just wrong. How can this happen? This just shouldn't be the case when we're talking about sexual abuse, that there would be this time limitation. That's just bad law.’

“He said, ‘Well Sigrid, we're just going to have to change the law.’”

They're working on doing just that, establishing precedent in the case law and supporting victim advocacy groups as they lobby to extend the statute of limitations in various jurisdictions. Strides have already been made: Some states, including New York and California, have passed bills to extend the statute of limitations in civil cases, allowing sexual abuse victims to bring claims well into adulthood. Federally, updates were made to the Trafficking Victims Protection Act, which now allows for a 10-year window for bringing these claims.

These are strong steps, at least, in the right direction.

“My position is that needs to be eviscerated,” says McCawley. “There should be no window on the amount of time that it takes someone to come to terms with their abuse and then bring that claim. That's the direction we'd like to see the law get to, and that's what we're working on.”

McCawley now represents eight victims in cases against Epstein and Maxwell, including Maria Farmer, who was one of the first to report Epstein's and Maxwell's abusive operations to any authorities.

“That was back in 1996,” explains McCawley. “They assaulted not only her, but also her sister Annie Farmer,” also now a client. “Maria was the first person to report it, but the reports fell on deaf ears. She actually made a series of reports in varying jurisdictions, and there was no traction on it.

“Then she got threatened by both Epstein and Maxwell, and she ended up going into hiding. Her story is just beyond tragic.”

McCawley is representing the Farmer sisters and other victims as they continue to seek legal recourse for the harms done to them, in a series of personal injury cases against the Epstein estate filed in New York federal court. Magistrate Judge Debra Freeman has stayed the cases to give the attorneys and their clients a chance to settle their claims via the Epstein Victims' Compensation Fund that was set up by a probate judge in the U.S. Virgin Islands.

The SDNY cases, though stayed, remain technically active while McCawley pursues the claims from the Fund. Meanwhile, Giuffre's defamation case against Maxwell settled for an undisclosed amount in 2017.

Epstein's arrest in New York on July 6, 2019, on federal charges of sex trafficking was a hugely gratifying moment for the victims and their legal teams, but it was followed by a massive disappointment the next month when Epstein was found dead in his jail cell on Aug. 10.

Epstein's death, deemed a suicide, was a difficult moment for McCawley and the victims. It was hard enough to accept that the man who had so long evaded justice had taken the ultimate escape before seeing his day in court; the sting cut deeper because of suspicion around his death – a whiff that he had somehow leveraged his wealth and connections to dodge the law one final time.

“There's a lot of skepticism surrounding what actually happened,” says McCawley. “The fact that the cameras weren't working, he had been shifted from having a cellmate to not having a cellmate, the individuals who were supposed to be doing the rounds were not doing the rounds. There were a number of factors that just don't pass the smell test. Things were definitely amiss.”

“I think that there's been an investigation,” she continues, “but will we ever really know? I don't think so. From my perspective, after having interacted with Epstein at varying times in person, in my view, he believed he was untouchable. There's different sides of the camp, some believe he was assisted in that suicide. Some believe that he was given the liberty to be able to do it, and bought that liberty by paying people off. I don't know that we'll ever have the answer to that.”

“The unfortunate part for the women that I represent is that they really wanted to see him have to sit in prison and be held accountable for what he did, and that was taken from them.”

But McCawley's work to find justice for these victims is far from over. “My focus now is making sure that the women I have the privilege of representing have the ending to this that they desire,” she says. Six years after diving head first into this sweeping, devastating, landmark litigation, McCawley is seeing the light.

“This year has been a wonderful one, because we're on the other side of things,” says McCawley. “But the early years of this case were very dark. We had Dershowitz attacking us, Prince Andrew attacking us, Epstein, Maxwell, everybody was on the attack. And the media was not friendly to us. Initially when I started representing Virginia, they were using words like, ‘Prostitute’ and ‘bad mother.’ They were reprinting things that were being said by others that were just horrific.”

“It took a long time to battle back on all of that. But we knew we were right. We knew what had happened. We had all of that information, so it was just about changing that tide and getting the public to notice and pay attention.”

The tidal pull was helped along by the #MeToo and #TimesUp movements, which got under way a couple years into McCawley's involvement in the case.

“Once people started to listen to these prominent actresses that came forward and said, ‘I was assaulted. I was assaulted. I was assaulted,’ people became more open to believing the victims that we represent who don't necessarily come from the same background. Many of these girls were coming from very broken families, very difficult circumstances. It helped us to have that support of that movement.”

Does she think this is all adding up to a sea change in efforts to dismantle the entrenched systems of wealth and power that allow evil to exist unchecked?

“I do believe that we are in a new dawn for holding the wealthy, the powerful, the politically connected accountable. I think the Epstein case was really the pinnacle of that. In one year, you see Acosta stepping down, Prince Andrew stepping down, Epstein being arrested. Now Ghislaine's arrested. We are seeing I think a vast change in the government's commitment to holding people accountable, regardless of status.”

There is a certain poetic justice to having a mother of four coming back from maternity leave, uncertain of her next move, only to find herself at the center of efforts to take down a wealthy pedophile who had eluded all attempts at capture.

McCawley worked largely pro bono on the case, part of a firm policy on sex abuse cases. The work consumed her, even as she carved out time for her commercial litigation practice. “There were some years that were better than others, I will say. Now I'm at a place where I have a much bigger team, a group of outstanding lawyers in New York including Andrew Villicastin, Sabina Mariella and Josh Schiller. I'm able to do my commercial work and still manage this at a level where I still talk to each of the clients regularly. I've found a way to balance it.”

Also in that balancing act are her four children. The youngest, born just before she took on the Epstein case, is her first daughter after three boys, two of whom are twins.

“I owe them such gratitude,” McCawley says of her kids. “During the Maxwell case, I was in New York almost every other week, because Judge Sweet would hold the hearings in person. It consumed everything.” As they've gotten older, and the case exploded into the public view, they've come to understand and appreciate more about what their mother has been busy doing all this time. “My kids sacrificed a lot as well without ever complaining, and I'm so proud of them for that. They are incredible children.”

They, no doubt, are proud of her as well. After all, she had incredible odds stacked against her, she came up with brilliant and savvy legal strategies to push through outdated laws, and she continues to tirelessly seek justice for these victims.

What's more, her heartfelt compassion for the women who suffered at the hands of Epstein and Maxwell has been, and continues to be, the ultimate driving force behind her work.

“At the end of the day,” she says, “I want these women to feel satisfied that they have found some peace in this, and some justice in this. That looks a little different for each person. But that's my goal.”

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